

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Stora Enso North America Corporation)	FINDING OF VIOLATION
Niagara Mill)	
Niagara, Wisconsin)	EPA-5-02-WI-05
)	
)	
)	
Proceedings Pursuant to the Clean Air Act, 42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Stora Enso North America Corporation (Stora Enso) is violating Section 111(e) of the Clean Air Act (the Act), 42 U.S.C. § 7411(e). Specifically, Stora Enso is violating the Standards of Performance (NSPS) for Industrial-Commercial-Institutional Steam Generating Units at 40 C.F.R. Part 60, Subpart Db as follows:

Regulatory Authority

1. Section 111(e) of the Act, 42 U.S.C. § 7411(e), provides that after the effective date of a standard it is unlawful for any owner or operator of any new source to operate such source in violation of that standard.
2. Section 111(a)(2) of the Act, 42 U.S.C. § 7411(a)(2), defines the term "new source" as any stationary source, the construction or modification of which is commenced after the publication of regulations prescribing a standard of performance applicable to such source.
3. Section 111(a)(4) of the Act, 42 U.S.C. § 7411(a)(4), defines "modification," in pertinent part, as "any physical change in, or change in the method of operation of, a stationary source which increases the amount of any air pollutant emitted by such source"
4. U.S. EPA published General Provisions of the Standards of

Performance for New Stationary Sources at 40 C.F.R. Part 60, Subpart A (40 C.F.R. §§ 60.1 - 60.19). These regulations were published pursuant to Section 111 of the Act, 42 U.S.C. § 7411, on December 23, 1971 (36 Fed. Reg. 24877).

5. 40 C.F.R. § 60.14(a) provides that "any physical or operational change to an existing facility which results in an increase in the emission rate to the atmosphere of any pollutant to which a standard applies shall be considered a modification within the meaning of section 111 of the Act."
6. 40 C.F.R. § 60.14(a) further provides that "[u]pon modification, an existing facility shall become an affected facility for each pollutant to which a standard applies and for which there is an increase in the emission rate to the atmosphere."
7. 40 C.F.R. § 60.14 provides that an emission increase is calculated by comparing the hourly emission rate, at maximum sustainable physical capacity, before and after the physical or operational change.
8. U.S. EPA published Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units at 40 C.F.R. Part 60, Subpart Db (40 C.F.R. §§ 60.40b - 60.49b). These regulations were published pursuant to Section 111 of the Act, 42 U.S.C. § 7411, on December 16, 1987 (52 Fed. Reg. 47842).
9. 40 C.F.R. § 60.40b defines a steam generating unit as a device that combusts any fuel to heat water.
10. 40 C.F.R. § 60.40b(a) provides that the provisions of 40 C.F.R. Part 60, Subpart Db, apply to each affected steam generating unit that commences construction, or modification after June 19, 1984 and has a heat input capacity from fuels combusted in the steam generating unit of greater than 100 MMBTU/hour.

Factual Background

11. Stora Enso owns and operates steam generating units identified as boilers B21 and B22, at its Niagara Mill located at 1101 Mill Street, Niagara, Wisconsin.
12. Each of these steam generating units, boilers B21 and B22, combust wood and coal, and has a heat input capacity of greater than 100 MMBTU/hour.

13. Between at least 1997 and present, Stora Enso made physical changes to the Niagara Mill's boilers B21 and B22 to increase capacity while firing only coal. The physical changes included, but are not limited to: replacing the coal piping and burners for boiler B21; replacing the pulverizer, coal piping, and burners for Boiler B22; and for both boilers, new combustion controls, feed pumps, and new ignitors.
14. Both boilers, B21 and B22, have a maximum coal load of at least 75,000 lb/hour of steam generation.
15. Before the physical changes, boiler B21 could only reach 65 percent of the maximum coal load on a sustainable basis while firing only coal.
16. Before the physical changes, boiler B22 could only reach 55 percent of the maximum coal load on a sustainable basis while firing coal only.
17. After the physical changes, both boilers, B21 and B22, could reach the maximum coal load of at least 75,000 lb/hour of steam generation while firing only coal.
18. The physical changes to boiler B21 have resulted in an increase in the emission rate to the atmosphere of sulfur dioxide, nitrogen oxides, and particulate matter.
19. The physical changes to boiler B22 have resulted in an increase in the emission rate to the atmosphere of sulfur dioxide, nitrogen oxides, and particulate matter.

Violations

20. Pursuant to 40 C.F.R. § 60.14(a), boilers B21, and B22 are affected facilities and subject to the provision of 40 C.F.R. Part 60, Subpart Db (40 C.F.R. §§ 60.40b - 60.49b) for sulfur dioxide, nitrogen oxides, and particulate matter.
21. Boilers B21 and B22 are in violation of the standard for sulfur dioxide as set forth in 40 C.F.R. § 60.42b(a) for emitting sulfur dioxide in excess of 10 percent of the potential sulfur dioxide emission rate.
22. Boilers B21 and B22 are in violation of the standard for nitrogen oxides as set forth in 40 C.F.R. § 60.44b(c) for emitting nitrogen oxides in excess of 0.7 lbs/MMBTU.

23. Boilers B21 and B22 are in violation of the compliance and performance test methods and procedures for sulfur dioxide as set forth in 40 C.F.R. § 60.45b.
24. Boilers B21 and B22 are in violation of the compliance and performance test method procedures for particulate matter and nitrogen oxides as set forth in 40 C.F.R. § 60.46b.
25. Boilers B21 and B22 are in violation of the emission monitoring requirements for sulfur dioxide as set forth in 40 C.F.R. § 60.47b.
26. Boilers B21 and B22 are in violation of the emission monitoring requirements for particulate matter and nitrogen oxides as set forth in 40 C.F.R. § 60.48b.
27. Boilers B21 and B22 are in violation of the reporting and recordkeeping requirements as set forth in 40 C.F.R. § 60.49b.

July 11, 2002
Date

Stephen Rothblatt
Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

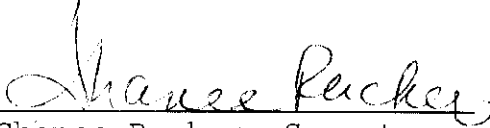
I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-02-WI-05, by Certified Mail, Return Receipt Requested, to:

Greg P. Maule, Mill Manager
Stora Enso North America Corporation
Niagara Mill
1101 Mill Street
Niagara, Wisconsin 54151

I also certify that I sent copies of the Finding of Violation by first class mail to:

Lloyd Eagan, Director
Bureau of Air Management
101 S. Webster Street (AM/7)
Madison, Wisconsin 53707

on the 15 day of July, 2002.


Shanee Rucker, Secretary
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0201 7221